

10/018269 #6

AP9627/64098-888  
10/018,269

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Latarnik et al.  
 Serial No.: 10/018,269  
 PCT No. : PCT/EP00/03785  
 Int'l Filing Date: 27/March/2000  
 Priority Date: 30/March/1999  
 For: Method for Pressure Modulation of Brake Pressures

Attorney Docket No.: AP9627

Box PCT  
 Commissioner for Patents  
 Washington, D.C. 20231  
 ATTN: International Division, Legal Staff

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

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**RESPONSE TO DECISION IN RESPONSE TO APPLICANT'S "RENEWED  
 REQUEST UNDER 37 CFR 1.42"**

Dear Sir:

The attached Decision dated September 5, 2002 concludes that the undersigned's submission under 37 CFR 1.42 is dismissed without prejudice because the declaration submitted April 25, 2002 did not specifically state that Eva-Maria Latarnik, Sylvia-Monika Latarnik, and Christine Latarnik are the sole heirs of the deceased inventor. In a similar case, the PCT Petitions attorney, Mr. Anthony Smith, indicated that this

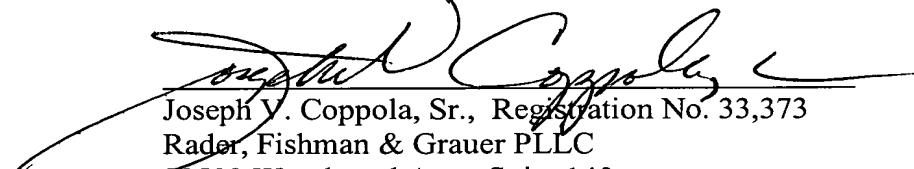
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requirement could be satisfied by counsel of record certifying that Eva-Maria Latarnik, Sylvia-Monika Latarnik, and Christine Latarnik are the sole heirs.

**Certification by Counsel**

The undersigned hereby certifies that, based on the joint certificate of inheritance (attached German language document), and the attached English translation thereof, that Christine Latarnik, Sylvia-Monika Latarnik, and Eva-Maria Latarnik, are the sole heirs of the deceased inventor. This certification is based on the fact that, as evidenced in the attached copy of the Assignment of Invention by Heirs, the sum total of the fractional ownership shared by Christine Latarnik, Sylvia-Monika Latarnik, and Eva-Maria Latarnik of the deceased inventor's estate, results in a sum total of 100% of the decedent's estate.

Respectfully submitted,



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In re Application of  
FÜHRER, Jochen, et al.  
Application No.: 10/018,269  
PCT No.: PCT/EP00/03785  
Int. Filing Date: 27 April 2000  
Priority Date: 30 April 1999  
Attorney's Docket No.: AP9627  
For: METHOD FOR PRESSURE  
MODULATION OF BRAKE  
PRESSURES

R.F.  
6/4/02  
DECISION ON  
REQUEST  
UNDER 37 C.F.R. 1.42

This is a decision on applicants' "Completion of Filing Requirements For International Application Entering U.S. National Stage in the U.S. Elected Office (EO/US)," filed 25 April 2002, which has been treated as a request for status under 37 C.F.R. 1.42.

BACKGROUND

On 27 April 2000, applicants filed international application PCT/EP00/03785. A Demand electing the United States was filed on 23 November 2000, within nineteen months of the priority date. Accordingly, the deadline for submitting the basic national fee to prevent abandonment of the international application as to the United States expired at midnight of 30 October 2001.

On 30 October 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 25 February 2002, the office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors was required.

On 25 April 2002, applicants filed the instant request accompanied by a declaration of the inventors.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the

deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 C.F.R. 1.42.

The declaration provided does not state that the three joint heirs are all of the heirs. If a legal representative has been or is required to be appointed under applicable law, such person must sign the declaration and indicate the relationship, e.g., "legal representative of inventor Michael Latarnik." Otherwise, all heirs of Michael Latarnik must sign the declaration and indicate the relationship, e.g., "sole heirs of Michael Latarnik," or "legal representative of Michael Latarnik." The indication that the heirs are three joint heirs leaves open the possibility that there are other non-signing joint heirs.

### CONCLUSION

For the above reasons, the request for status under 37 C.F.R. 1.42 is **REFUSED**.

Applicants are required to submit an oath or declaration in compliance with 37 C.F.R. 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 C.F.R. 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 C.F.R. 1.42."

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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